AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States District Court
Southern District of Texas
FILED
AUG 14 2015
Clerk of Court

United States of America
v.

James Patrick Burke

Defendant(s)

Case No. M-15- 1393-M
(Related: M-15-1379-M)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of February 23, 2015 in the county of Hidalgo in the Southern District of Texas, the defendant(s) violated:

Code Section	*Offense Description*
18 U.S.C. § 2252A (a)(5)(B)	Knowingly accessed with intent to view child pornography

This criminal complaint is based on these facts:

Please see Attachment "A"

☑ Continued on the attached sheet.

[signature]
Complainant's signature

Truong T. Nguyen, Special Agent, FBI
Printed name and title

Sworn to before me and signed in my presence.

Date: 08/14/2015

[signature]
Judge's signature

City and state: McAllen, Texas

Hon. Dorina Ramos, U.S. Magistrate Judge
Printed name and title

Attachment "A"

Through an investigation conducted by the FBI, Special Agents with the FBI executed a federal search warrant at the residence of James Patrick Burke (hereinafter referred to as "BURKE") in McAllen, Texas, on August 14, 2015. Information obtained by the agents led them to believe that BURKE was accessing files from a website known to contain child pornography. The investigation revealed that on February 23, 2015, BURKE accessed a post that contained a link to a set of images that depicted a young prepubescent child engaged in sexual intercourse with an adult male. The investigation further revealed that on that same date, BURKE accessed a second post that contained a link to a set of thumbnail images from a video that depicted a young prepubescent child engaged in sexual intercourse with an adult male. Based on the experience and training of the special agents who reviewed the images from these posts, it is their belief that the images meet the statutory definition of child pornography, as defined in Title 18 United States Code § 2256.

On August 14, 2015, BURKE was interviewed by FBI agents and was advised of his *Miranda* rights. BURKE stated that he understood his rights and agreed to waive them. During the interview, BURKE admitted to viewing and downloading child pornography from various websites using the same user name and various corresponding passwords, which he provided to the agents. Agents were subsequently able to verify that the user name and password(s) provided by BURKE were the same ones used to access the website known to contain child pornography on February 23, 2015. BURKE admitted that he viewed and downloaded videos on numerous occasions using his laptop computer. BURKE further admitted that these videos depicted children, as young as 10 years of age, engaging in sexually explicit conduct with adults. During the execution of the search warrant, agents seized BURKE's laptop computer.